

## REMARKS

At the time the present Final Office Action issued, claims 3 to 35 were pending. Of these, claims 12-15 and 23-28 have been presented for examination and currently stand rejected.

Attorney for Applicant respectfully thanks the Examiner for acknowledging Applicant's election of claims 12-15 and 23-28, including claim 23.

### Rejections under 35 USC §112

The claims have been rejected under 35 USC § 112, second paragraph, as stated in Numbered paragraphs 2 and 3. Claims 12 and 24 were found to contain insufficient antecedent basis for the terms "upper rim" and "connection. And the scope of claim 26 was considered to be unclear, because the independent claim recites a gasket, while the dependent claim recites a lug or ring.

Attorney for Applicant submits amended claims to overcome these rejections.

Each of claims 12 and 24 now contain a phrase "the inner shell comprising *an upper rim*" and a phrase "forming *a connection* between the inner shell and the outer shell" (emphasis added), and therewith the requested antecedent basis is provided.

Claim 26 has been reworded to clearly recite the relationship between the gasket and the lug or ring, and between the lug or ring and the securing of the inner shell to the outer shell. This overcomes the clarity rejection.

None of the amendments constitute addition of matter. The amendments are not expected to raise new issues. Entry is therefore respectfully requested.

For sake of completeness and accuracy of the Record, it is respectfully remarked that the specification uses reference 13' for the gasket and 13 for the lug or ring (see e.g. page 6 line 7), which is exactly the other way round as stated in numbered paragraph 3 of the Final Office Action.

### Rejections under 35 USC §102

Claims 12-15 & 24-28 have been rejected under 35 USC §102(b) as being anticipated by Walters (US Pat. 4,413,758) substantially as applied on 6/30/06.

Attorney for Applicant respectfully traverses the rejections.

As applied on 6/30/06, Walters was not explained to teach or suggest a gasket sealing the connection between the inner shell and the outer shell. In fact, quite to the contrary, Walters appears to have been interpreted by the Examiner to **not** teach or suggest that feature, because this feature was claimed in claim 6, which was held allowable in the Office Action of 6/30/06 (see Numbered paragraph 6 therein).

Each of the present independent claims recite the connection between the inner shell and the outer shell is sealed by means of a gasket. The present rejection is therefore defective, for failure to consider the claim as a whole.

In the Office Action of 6/30/06, the conical fabric sleeve 30 of Walters was interpreted to represent a permeable converging inner shell, and the conical base wall 26 of Walters was interpreted to represent a converging outer shell. Walters does not teach or suggest any gasket sealing the connection between the conical fabric sleeve 30 and the conical base wall 26.

Hence, Walters does not teach or suggest the connection between the inner shell and the outer shell is sealed by means of a gasket, and therefore the present rejection is not supported by the art.

Therefore, reconsideration and, ultimately, withdrawal of the rejection of the independent claims 12 and 24 and of each claim dependent on one of these independent claims is respectfully requested.

#### Rejections under 35 USC §103

In Numbered paragraphs 6 and 7, claims 12-15 and 23-28 have been rejected under 35 USC §103(a) as being unpatentable over Walters, US Pat. 4,413,758.

In making these rejections, the Office Action merely comments with regard to claim 23. It is stated that Walters is directed to a material other than coal or fly ash, and that it would have been obvious to modify Walters to substitute a use of coal or fly ash in order to increase system applicability.

Attorney for Applicant traverses the rejection.

In addition to the feature "the particulate matter comprises at least one of pulverized coal and fly ash", Claim 23 also incorporates the subject matter of Claim 12 by virtue of reference. It has been explained above that Walters does not teach or suggest the connection between the inner shell and the outer shell being sealed by means of a gasket.

Therefore, reconsideration and, ultimately, withdrawal of this rejection of the claims is respectfully requested.

Numbered paragraph 8 of the Office Action rejects claims 12-14 & 23-27 as being unpatentable over Anderson (US Pat. 3,254,766).

The Office Action states that Anderson is silent on a gasket, but that it would have been obvious to modify Anderson to provide a gasket in order to increase efficiency.

Attorney for Applicant respectfully traverses the rejection.

One of three basic criteria to be met in order to establish a *prima facie* case of obviousness, as set forth in MPEP 2143, is that the prior art reference (or references when combined) must teach or suggest all the claim limitations. The presently cited art does not

teach or suggest a gasket sealing the connection (16) between the inner shell (in the form of screen plenum 15) and the outer shell (in the form of lower hopper section 12).

In a prior Office Action, mailed 30 June 2006, the Examiner considered the subject matter involving the gasket sealing the connection between the inner shell and the outer shell to be patentable over Anderson (see indication of allowability of claim 6 in Numbered paragraph 6 of the Office Action mailed 6/30/06). But now, with the same facts and evidence, Examiner believes that there is a *prima facie* obviousness rejection.

However, there is no factual evidence on Record showing that it would have been obvious to modify Anderson to provide a gasket sealing the screen plenum 15 and lower hopper section 12. The Examiner simply argues that it would increase efficiency.

A gasket in itself may be a known element, but in the present case, it is applied in an unobvious way. Anderson, for instance, teaches at Col. 4 lines 47-51 that

"...it is possible to create a fluidizing zone 59 by merely injecting a fluidizing medium into the lower portion 12 of the hopper 10. Thus, the apertured plenum screen 15 could be removed to achieve the basic objects of the invention..."

It is respectfully submitted that a teaching of omitting the plenum screen altogether is opposite to a teaching of adding more elements to the plenum screen. Thus considering Anderson as a whole, there is no teaching in the art of Record that suggests additional measures such as a gasket for mounting a permeable inner shell in an outer shell.

Hence, no *prima facie* case of obviousness in accordance with the standards of the MPEP has been established.

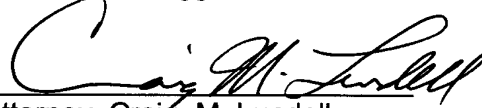
Reconsideration and, ultimately, withdrawal of the rejection is therefore respectfully requested.

#### Concluding remarks

In conclusion, Attorney has addressed each and every ground for objection and rejection raised by the Examiner in the Office Action. Reconsideration is respectfully requested.

Attorney respectfully submits that the specification and elected claims are in a state ready for allowance. In the event the Examiner has any questions or issues regarding the present application, the Examiner is invited to call the undersigned prior to the issuance of any written action.

Respectfully submitted,  
Wouter Detlof Berggren

By   
Attorney, Craig M. Lundell  
Registration No. 30,284  
(713) 241-2475

P.O. Box 2463  
Houston, Texas 77252-2463